REMARKS

Claims 1-6 and 16-27 are pending. By this Amendment, claims 1-6 and 16-27 are canceled, new claims 28-48 are added, and no claims are amended.

Support for the new claims can be found throughout the application as filed. Therefore, no new matter has been added.

Telephone Interview Summary

Applicants thank the Examiner for the courtesy extended to Applicants' representative in a telephone interview conducted on January 25, 2011. During the interview, claim 1 and the references cited in the most recent Office Acton were discussed. Particularly, the point regarding a capacity of a terminal compared with a capacity of a user was clarified. However, the Examiner stated that he did not believe the claims would be in condition for allowance in their current state and provided suggestions for amending the claims. Applicants' representative indicated these suggestions would be considered and now file this Amendment with new claims 28-48. Applicants and their representative thank the Examiner for his time and candor during the interview.

Specification

The specification is amended to replace "capacities" with "capabilities" to more closely conform the translated application with the original French. Referring to page 8, lines 19-25, of WO 2005/067322, the French-language PCT application of which the present application is a National Stage Application, "Pour accéder aux services offerts par le serveur 10 de médiation de

services, chaque utilisateur doit tre préalablement enregistré et disposer d'un identifiant ou numéro de contact par lequel il peut tre joint indépendamment du terminal connecté à un instant donné au serveur. Il doit en outre définir un ou plusieurs profils qui sont mémorisés dans la base de données 18, et fournir des informations concernant les terminaux qu'il est susceptible d'utiliser et notamment **les capacités de ces terminaux** et les applications disponibles."

The focus of the above paragraph is on "les capacités de ces terminaux." As originally translated, this corresponded to "the capacities of these terminals." However, from context and according to the <u>Routledge French Technical Dictionary</u>, (Yves Arden ed., Routledge 2000) (1994), at page 100, in the telecommunications context, "capacités" is better translated to "capabilities," not "capacities." Therefore, the specification has been amended accordingly.

Response to Rejections Under 35 U.S.C. § 103

Claims 1, 3-5, 16-18, and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2778, "A Model for Presence and Instant Messaging," February 2000, by Day et al. ("Day"), in view of U.S. Patent No. 7,516,210 to Liscano et al. ("Liscano"). Claims 2, 6, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Day as modified by Liscano. Claims 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Day in view of Liscano, and further in view of U.S. Patent Application Pub. No. 2002/0085701 to Parsons et al. ("Parsons"). Claims 1-6 and 16-27 have been canceled without prejudice. Insofar as the rejections apply to new claims 28-48, Applicants respectfully traverse the rejections.

New claim 28 recites a user profile comprising, in combination with other elements, "a record of a capability of the at least one telecommunications terminal," as well as "a server with a processing unit capable of receiving at least one user profile and storing the at least one user profile in the storage medium, and capable of coordinating telecommunications services based on information stored in the storage medium, by tasks including coordinating the notification and operation of events between users and services by receiving notifications from the telecommunications service server, evaluating the user profile based on user availability, and communicating to the user such that interactions are communicated to the telecommunications terminal in a terminal-appropriate format according to the capability of the at least one telecommunications terminal."

The Office Action concedes that Day does not specifically disclose defining information about the capacity of the telecommunications terminal and cites Liscano, asserting that Liscano teaches role-based presence information, where the role shows the capacity in which a user is acting. The Office Action then asserts that because the user's presence can only be detected through a terminal, the role of the user is equivalent to the capacity of the terminal, and, therefore, Liscano discloses the feature relating to terminal capacity of now-canceled claim 1. (Office Action, page 6.) However, the role of the user taught by Liscano and the capability of a terminal as recited in new claim 28 of the instant application are not synonymous. In fact, these concepts are quite independent of each other.

By including a record of a capability of the at least one telecommunications terminal in the user profile and subsequently operating based on an evaluation of the user profile, specifically communicating to the telecommunications terminal in a terminal-appropriate format

according to the capability, the instant application allows for interactions via various terminals that are independent of the role of the user. For example, as explained on page 19, line 27 – page 20, line 5, of the instant application as filed, an "incoming call" signaling mode event notification to one of the user's accessible terminals depends on the capacity of the terminal. In the case of a PC or PDA computer, this signaling can be provided in the form of a "pop up." On a mobile telephone, it can be provided by a "Simtoolkit" application. (Application as filed, page 19, line 27 – page 20, line 5.) Thus, knowing the capability of particular terminals can be helpful in order to appropriately interact with users.

As discussed in the telephone interview conducted on January 25, 2011, the Office Action appears to construe the capacity of a telecommunications terminal as the capacity with which the user acts in a particular role. In contrast to the discussion above, the presentity availability information taught by Liscano allows Watchers to subscribe to some particular role and subsequently be notified of the availability of any user available in that role. (Office Action dated October 6, 2010, page 6, lines 13-14.) In the example cited, a user is shown as available as a nurse to a Watcher when the user defines himself as being in the Nurse role and the Watcher has subscribed to users in the Nurse role. (Liscano, col. 4, lines 1-11.) However, this abstraction is not relevant to the terminal capability recited in new claim 28 of the instant application. Liscano makes no distinction about how the user has become available, just that in the abstract, he is available. Further, the operation of "communicating to the user such that interactions are communicated to the telecommunications terminal in a terminal-appropriate format according to the capability of the at least one telecommunications terminal" is likewise not disclosed by Liscano. Therefore, Liscano does not disclose or even suggest the teachings of new claim 28.

Further, in Parsons, interacting with multiple types of devices is contemplated (Office Action, page 16), but communicating to the user such that interactions are communicated to the telecommunications terminal in a terminal-appropriate format according to the capability of the at least one telecommunications terminal, as defined by a record of the capability of the at least one telecommunications terminal, as recited in new claim 28, is not disclosed or suggested.

Instead, in Parsons, "[i]n one example. . . [receiving a message] functionality is provided by installing a messaging application that continually runs on the desktop PC or wired device and is configured to listen for messages sent by the messaging application" (Parsons, para. [0042].) In this case, the ability to receive messages on a terminal is accomplished by installation of a separate piece of software at the receiving end, installed on the plurality of wired terminals. In another example, "[f]or certain wireless devices 118 such as pagers, the messaging application 210 is configured to send the text message to the wireless operator 120 associated with the device via the network interface 216 and the Internet. The wireless operator 120 then uses whatever format it needs. . . to forward the text message to the device." (Id. at para. [0043].) In this case, the wireless operators handle the terminal-appropriate format, thus utilizing existing, known functionality. Thus, coordinating the notification and operation of events between users and services by receiving notifications from the telecommunications service server, evaluating the user profile based on user availability, and communicating to the user such that interactions are communicated to the telecommunications terminal in a terminal-appropriate format according to the capability of the at least one telecommunications terminal is not disclosed or suggested by Parsons.

Therefore, claim 28 is allowable. Claims 29-38 depend from claim 28 and are therefore also allowable in view of the allowability of the underlying base claim.
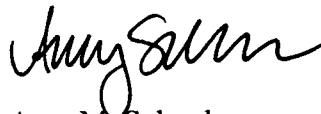
Similar to claim 28, claim 39 recites a method in which a user profile is utilized, which comprises "a record of a capability of the at least one telecommunications terminal," as well as "coordinating the notification and operation of events between users and services by. . . communicating to the user such that interactions are communicated to the telecommunications terminal in a terminal-appropriate format according to the capability of the at least one telecommunications terminal," in combination with the other elements of the claim. At least for the reasons set forth above with respect to claim 28, claim 39 is also allowable. Claims 40-48 depend from claim 39 and are therefore also now allowable in view of the allowability of the underlying base claim.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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